

PSJ4 SOL Opp Exh 57

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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IN RE NATIONAL PRESCRIPTION OPIATE)
LITIGATION)
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This document relates to:) MDL No. 2804
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The County of Summit, Ohio, et al. v. Purdue) Hon. Dan Aaron Polster
Pharma L.P., et al., Case No. 18-op-45090)
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The County of Cuyahoga, Ohio, et al. v. Purdue)
Pharma L.P., et al., Case No. 17-op-45004)
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Expert Report of Gregory K. Bell, Ph.D.

May 10, 2019

internet; only 17 percent of those who misused a prescription analgesic within the past year had a prescription for the products.⁴¹⁹

175. In alleging that Distributors failed to meet their responsibility to report certain unusual or “suspicious” orders and/or to block such orders in aid of the DEA’s effort to prevent diversion, the Plaintiffs ignore or mischaracterize a number of salient issues.
 - (a) First, as discussed earlier in this report, while each individual Distributor observes the size and frequency of its own orders and shipments, each individual Distributor does not have full knowledge of the orders and shipments of any other Distributors.
 - (b) Second, as discussed earlier in this report, other parties have access to more comprehensive information that may be used to identify and prevent diversion in a sustained manner. For example, through ARCOS, the DEA has full information on the orders placed by and shipments to all pharmacies with respect to all distributors and manufacturers. Similarly, PDMPs, such as OARRS in Ohio, have access to prescription-level information including the identity of the prescriber, the identity of the patient, the size of each prescription, and where the prescriptions are being filled. The Distributors lack the comprehensive visibility into interactions between prescribers and patients, patients and pharmacies, and pharmacies and suppliers (either distributors or manufacturers).
 - (c) Third, any attempt to infer diversion on the basis of the size and frequency of prescription opioid orders placed by pharmacies must address the significant degree of variation in pharmacy ordering that is a natural consequence of the environment. Sources of variation include changes over time in the overall demand for different products as a result of variation in disease incidence and variation and evolution in medical

⁴¹⁹ Manchikanti, Laxmaiah et al., “Opioid Epidemic in the United States,” *Pain Physician*, 15:3S, 2012, p. ES22.